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## MEMO ENDORSED

## U.S. Department of Justice

United States Attorney Southern District of New York

The Silvio J. Mollo Building One Saint Andrew's Plaza New York, New York 10007

March 28, 2023

## BY ECF

Honorable Lewis A. Kaplan United States District Judge Daniel Patrick Moynihan United States Courthouse 500 Pearl Street New York, NY 10007-1312



Re: United States v. Samuel Bankman-Fried, §5 22 Cr. 673 (LAK)

Dear Judge Kaplan:

The Government writes regarding the S5 Superseding Indictment and the scheduling of an in-person arraignment and conference.

On March 27, 2023, the grand jury returned a thirteen-count superseding indictment (the "S5 Indictment"), which is attached as Exhibit 1. The S5 Indictment, which was unsealed this morning, includes the twelve counts contained in the S3 Superseding Indictment, as well an additional count for conspiracy to violate the anti-bribery provisions of the Foreign Corrupt Practices Act ("FCPA"), in violation of 18 U.S.C. § 371 ("Count Thirteen"). The defendant has not yet been arraigned on five of the thirteen charges in the S5 Indictment.

The Government therefore requests a pretrial conference in order to arraign the defendant on the S5 Indictment and to resolve the outstanding issues pertaining to the defendant's conditions of release. The new charge does not change the Government's position with respect to the appropriate conditions of release.

Finally, while the FCPA charge in Count Thirteen will not necessitate the production of any new categories of discovery that were not already being produced to the defendant, the Government will be prepared at the proposed conference to provide the Court with a status update

regarding the Government's ongoing discovery productions.

Respectfully submitted,

DAMIAN WILLIAMS United States Attorney

by: /s/ Danielle Kudla

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Cc: Defense Counsel (by ECF)

The Coret will erraign the defendant one 55 and hold a pretual confirence or March 30, 2023 at

SO ORDERED

LEWIS A. KAPLAN, USDJ